

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial Number:	10/535,084	Art Unit:	1611
Filing Date:	May 13, 2005	Date:	March 2, 2010

FOR: USE OF ONE OR MORE OF THE ELEMENTS FROM THE GROUP YTTRIUM, NEODYMIUM AND ZIRCONIUM, AND PHARMACEUTICAL COMPOSITIONS WHICH CONTAIN THOSE ELEMENTS

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits, but before the mailing date of either a final action under §1.113 or a notice of allowance under §1.311. This response is made under 37 CFR §1.97(c), and a fee is required. Please charge Deposit Account No. 15-0450 for the fee of \$180.00 and any additional fee deficiency.

According to the terms of 37 CFR §1.97(g), this Disclosure Statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13, at 25. This Information Disclosure Statement is made to comply with the duty of candor imposed on all individuals associated with the filing or prosecution of this application, as defined by 37 CFR 1.56(c).

A list of thirty-six (36) references, including four (4) U.S. patent application publications, twenty (20) foreign patent documents, and twelve (12) non-patent literature documents, cited by the applicant is enclosed on the PTO/SB/08A form, which is attached and made a part thereof. The references were derived from co-pending applications, against which a double-patenting rejection was issued in the present application, including International PCT application number

PCT/EP2003/012532 filed October 11, 2003, now published as WO 2004/043474; corresponding European application number 03 09 0354.6 filed October 17, 2003, now published as EP 1 419 793 A1; and corresponding German priority document application serial number 102 53 634.1 filed November 13, 2002, now published as DE 102 53 634 A1. Search reports have been provided as follows: WO 2004/043474 A3 (cite number 20); search report document included with EP 1 419 793 A1 (cite number 12); and non-patent literature search report document DE 102 53 634 A1 (cite number 4).

The following foreign language documents have, upon information and belief, corresponding English language counterparts that were submitted in previously filed Information Disclosure Statements as follows:

<u>English Language Counterpart</u>	<u>Foreign Language Document</u>	<u>Where Cited</u>
US 3,687,135 (IDS 5/13/2005)	DE 19 53 241 (cite number 1)	corresponding German application 102 53 634.1
US 2002/0004060 (IDS 7/16/2009)	DE 197 31 021 (cite number 2)	
US 2004/0241036 (IDS 7/16/2009)	DE 101 28 100 (cite number 5)	corresponding German application 102 53 634.1 corresponding PCT application EP03/012532
US 2004/0098108 (IDS 7/16/2009)	EP 1 419 793 (cite number 12)	
US 2006/0246107 (IDS 7/16/2009)	EP 1 562 565 (cite number 13)	
	JP 2004-160236 (cite number 19)	
GB 1 067 915 (cite number 18)	FR 1 412 298 (cite number 17)	corresponding European application 1 419 793

The following foreign language documents have, upon information and belief, no corresponding English language counterpart. Machine generated English language translations have been provided.

DE 199 45 049 (cite number 3)	EP 0 770 391 (cite number 9)
DE 101 18 603 (cite number 4)	EP 1 632 256 (cite number 14)
EP 0 518 061 (cite number 6)	

The Office actions that are submitted as non-patent literature (cite numbers 5-12) were issued in applications of which terminal disclaimers were filed in United States parent patent application serial number 10/535,084 filed May 13, 2005, now published as US 2006/0246107.

The foregoing Information Disclosure Statement Under 37 C.F.R. §1.97 is based on information contained in the undersigned attorney's file as of the filing date of this statement and is inclusive of the best information known to the undersigned as of that date. Prompt consideration of the Information Disclosure Statement Under 37 C.F.R. §1.97 and the references cited therein by the Examiner is respectfully requested.

Respectfully submitted,
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